

**REMARKS**

This Application has been carefully reviewed in light of the Decision. Applicants appreciate the Examiner's consideration of the Application. Applicants respectfully request reconsideration and favorable action in this case.

**Section 103(a) Rejection**

The Examiner rejects Claims 1-40 under 35 U.S.C. § 103(a) over U.S. Patent No. 6,728,919 issued to Kondo et al. ("*Kondo*") and U. S. Patent No. 6,219,550 issued to Obuchi et al. ("*Obuchi*"). Claims 1-40 have been canceled, rendering the rejection moot.

Applicants respectfully submit that the combination of *Kondo* and *Obuchi* proposed by the Examiner fails to disclose, teach, or suggest elements specifically recited in Applicants' new claims. For example, the proposed *Kondo-Obuchi* combination fails to disclose, teach, or suggest the following recited in Claim 48:

receiving a plurality of sets of signal portions, each set received from a base transceiver station of a plurality of base transceiver stations;

selecting, by a selection and distribution unit, a signal portion from each set of signal portions to yield a plurality of selected signal portions; and

combining, by the selection and distribution unit, the selected signal portions to yield a combined signal portion.

the receiving the plurality of sets of signal portions further comprising:

receiving the sets of signal portions at a primary base transceiver station from one or more secondary base transceiver stations, the primary base transceiver station comprising the selection and distribution unit.

*Kondo* discloses that a base station controller compares data received from base stations:

A base station controller compares data received from a plurality of related base stations to eliminate errors in frame unit base, predetermined size unit base which is divided from a frame, or bit unit base, and composes those units based on the decision by majority but adopts the data having highest reception potential when the comparison by the way described above is unavailable, in order to transfer no error data.

(*Kondo*, Abstract, lines 2-10.) *Obuchi* discloses that a base-station host composes error-correction encoded signals into one signal:

Each of a plurality of base stations receives the signal transmitted from the mobile terminal station via the wireless line, performs an error-correction decoding processing for the received signal, and transmits an error-correction

decoded signal to a base-station host apparatus via the wired line. The base-station host apparatus performs an error-correction encoding processing for each of the signals received from the base stations, composes the thus error-correction encoded signals into one signal, and performs an error-correction decoding processing for the composed signal.

(*Obuchi*, Abstract, lines 3-13.) Consequently, at a minimum, *Kondo* and *Obuchi* fail to disclose, teach, or suggest “receiving the sets of signal portions at a primary base transceiver station from one or more secondary base transceiver stations, the primary base transceiver station comprising the selection and distribution unit” of Claim 48.

For at least these reasons, Claim 48 and 58 are allowable under 35 U.S.C. § 103. Applicants respectfully request reconsideration and allowance of all pending claims.

#### **No Waiver**

Applicants' arguments are made without prejudice or disclaimer. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the additional statements. The distinctions between the applied references and the claims are provided as examples only and are sufficient to overcome the rejections. Applicants reserve the right to discuss additional or other distinctions in a later response or on appeal, if appropriate.

#### **Request for Evidentiary Support**

If the Examiner is relying upon “common knowledge” or “well known” principles or “Official Notice” or other information within the Examiner's personal knowledge to establish a rejection, Applicants respectfully request that the Examiner cite a reference or provide an affidavit in support of the position in accordance with M.P.E.P. § 2144.03 and 37 C.F.R. 1.104(d)(2).

**CONCLUSION**

Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Keiko Ichiye, the Attorney for Applicants, at the Examiner's convenience at (214) 953-6494.

Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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Date: May 11, 2010

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